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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 UNITED STATES OF AMERICA, )

9 Plaintiff, )

Case No. CR08-116-RSL

10 v. )

11 BRANDON DWAYNE FOSTER, )

12 Defendant. )

**PROPOSED FINDINGS OF FACT  
AND DETERMINATION AS TO  
ALLEGED VIOLATIONS OF  
SUPERVISED RELEASE**

13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on January 20,  
15 2010. The defendant appeared pursuant to a warrant issued in this case. The United States was  
16 represented by Annette Hayes, and defendant was represented by Jay Stansell. Also present was  
17 U.S. Probation Officer Gina Martinis. The proceedings were digitally recorded.

18 SENTENCE AND PRIOR ACTION

19 Defendant was sentenced on March 3, 2006 by the Honorable Sam E. Haddon in the District  
20 of Montana for Possession of Child Pornography. He received 27 months of detention and 3  
21 years of supervised release. On October 16, 2007, Mr. Foster's first term of supervised release  
22 commenced in the Western District of Washington.

23 On September 30, 2008, a no action report was submitted to the Court after Mr. Foster had

1 unauthorized contact with children and went to a bath house and viewed adult pornography.

2 This recommendation for no action was ordered by Judge James L. Robart. On September 23,  
3 2009, a modification of supervised release was signed by the Court to place Mr. Foster in the  
4 residential reentry center for a period of up to 120 days to allow him time to secure approved  
5 housing and to address his violation as they pertained to his sex offender treatment.

6 PRESENTLY ALLEGED VIOLATIONS

7 In a petition dated January 15, 2010, Senior U.S. Probation Officer Jennifer J. Tien alleged  
8 that defendant violated the following conditions of supervised release:

9 1. Failing to comply with the rules and regulations of the Residential Reentry Center  
10 (RRC) on or before December 28, 2009 and January 13, 2010, by being terminated from the  
11 program, in violation of his special condition of supervised release.

12 FINDINGS FOLLOWING EVIDENTIARY HEARING

13 Defendant admitted the above violations, waived any hearing as to whether they occurred,  
14 and was informed the matter would be set for a disposition hearing on February 12, 2010 at 9:00  
15 a.m. before District Judge Robert S. Lasnik.

16 RECOMMENDED FINDINGS AND CONCLUSIONS

17 Based upon the foregoing, I recommend the court find that defendant has violated the  
18 conditions of his supervised release as alleged above, and conduct a disposition hearing.

19 DATED this 20<sup>th</sup> day of January, 2010.

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22 BRIAN A. TSUCHIDA  
23 United States Magistrate Judge